

## **REMARKS**

Claims 1-5 and 7-11 are pending and under consideration in the above-identified application. Claims 6 and 12 were previously cancelled and remain cancelled.

In the Office Action of March 18, 2011, claims 1-5 and 7-11 were rejected. With this amendment, claims 1, 2, 7 and 8 are amended.

### **I. 35 U.S.C. § 112**

Claims 1-5 and 7-11 were rejected under 35 U.S.C. § 112, second paragraph.

With this amendment, claims 1, 2, 7 and 8 are amended taking into consideration the Examiner's comments. Accordingly, the Applicant respectfully requests the withdrawal of this rejection.

### **II. 35 U.S.C. § 102 Anticipation Rejection of Claims/35 U.S.C. § 103 Obviousness Rejections of the Claims**

Claims 1-5 and 7-11 were rejected under 35 U.S.C. 102(b)/103(a) as being anticipated by, and alternatively, unpatentable over Kawakami et al. (U.S. Pat. No. 6,432,585) ("Kawakami"). Applicant respectfully traverses the rejections.

In relevant part, each of the independent claims 1 and 7 now recite a base material including tin (Sn) and at least cobalt (Co) or iron (Fe), and a mass ratio of the carbonaceous material to the base materials is from and including 0.1 to and including 8.0.

This is clearly unlike Kawakami which fails to disclose or even fairly suggest this feature. Instead, Kawakami discloses an electrode material layer 102 comprised of 35 % by weight or more of a host matrix material and between 1 and 30% by weight of an electrically conductive auxiliary material where the electrically conductive material includes carbonaceous and metal materials. See, U.S. Pat. No. 6,432,585, Col. 12, l. 46-Col. 13, l. 14. This cannot be fairly viewed as disclosing a base material including tin and one of cobalt or iron where the mass ratio of a carbonaceous material to the base material is from and including 0.1 to and including 8.0 because Kawakami only discloses the percentage by weight of carbonaceous material and an electrically conductive material that includes some amount of carbonaceous material in an electrode material layer without proving any ratio of the carbonaceous material in the electrically conductive auxiliary layer to the host matrix material.

As the Applicants specification teaches, by providing a base material including tin (Sn) and at least one of cobalt (Co) or iron (Fe) and a mass ratio of the carbonaceous material in

the composite material within a range of 0.1 to 8.0 inclusive relative to 100 for the base material. Sec, Specification at Page 21.

Therefore, because Kawakami fails to disclose or even fairly suggest every feature of claims 1 and 7, the rejection of claims 1 and 7 cannot stand. Because claims 2-5 and 8-11 depend, either directly or indirectly, from claims 1 and 7, they are allowable for at least the same reasons.

**Conclusion**

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited.

If any further fees are required in connection with the filing of this amendment, please charge the same to our Deposit Account No. 19-3140.

Respectfully submitted,

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